

ROANOKE RIVER BASIN BI-STATE COMMISSION
Henderson, North Carolina
December 3, 2009

Roanoke River Basin Bi-State Commission members present:

NC: Senator A. B. Swindell, Representative Lucy Allen, Representative Edith D. Warren, Nate Hall.

VA: Senator Frank Ruff, Senator Roscoe Reynolds, Delegate Thomas Wright, Haywood Hamlet, John Feild, Kimble Reynolds for Congressman Tom Perriello.

Staff present:

NC: Rick Seekins, Kerr-Tar COG; Tom Fransen, NC DENR; Gene Addesso.

VA: Tammy Stephenson, DEQ; Jason Ericson, DEQ.

Virginia Roanoke River Advisory Committee: John Lindsey, Bob Jean, Billy Martin, Russ Johnson, Read Charlton.

Others: Richard Whisnant (on Water Allocation Ad Hoc Committee), Anne Cockrell, Deborah Dix, Vernon Wilson, Bill Lindenmuth, Christy Lipscomb, George Stanhope, Andrew Lester, Timothy Stuart, Allen Piner (U. S. Army Corps of Engineers).

Call Meeting to Order

Mr. Feild called the meeting to order.

Welcome

Mr. Seekins welcomed the group and gave a brief history of the facility, the Vance County School Board Office, which also houses Mr. Seekins' office..

Recognition of Members and Guests

Mr. Field introduced Mr. Reynolds, representative for Virginia Congressman Tom Perriello. Other members and guests introduced themselves.

Minutes

Upon a motion by Mr. Hamlet, seconded by Delegate Wright, the minutes of the August 21, 2009 meeting were approved with unanimous vote.

Committee Reports

North Carolina - Representative Allen reported that she will have a meeting next week with DENR staff to get the North Carolina Roanoke River Basin Advisory Committee moving. She expects to have a full report at the next meeting and apologized to the Virginia delegation for the committee not being up and running yet.

Virginia - Delegate Wright reported that the Virginia legislation set up the Virginia Roanoke River Basin Advisory Committee (VRRBAC) to be an advisory committee to the Roanoke River Basin Bi-State Commission (RRBBC). The Advisory Committee has been meeting for about six years. It was realized that there needed to be a change in the term limits, as several valuable members of VRRBAC's terms were expiring. These folks had a history of the organization that would be impossible to replace. They needed to eliminate the three-term limit. Senator Ruff concurred and said they were writing the legislation to eliminate terms for VRRBAC and RRBBC.

The North Carolina delegation said they would research to see if this is needed in North Carolina, but think their legislation did not include term limits.

Finance Committee

Mr. Feild asked Mrs. Stephenson to report on a Finance Committee. Mrs. Stephenson said the legislation and the by-laws allow for the establishment of a Finance Committee. Mr. Feild thought this should be pursued to make sure all obligations of the legislation are met. The RRBBC needs to be in a position to accept and use funding, should any become available.

Mr. Seekins reported that the COGs were given funding to take care of the river basin work (Riverkeepers, etc.). This is stimulus funding of approximately \$34,000 for two years to provide support to the Roanoke River Basin. As such, his COG offered to be the fiscal agent to the RRBBC.

Mr. Feild appointed Mrs. Stephenson from Virginia DEQ, Tom Fransen from North Carolina ENR, and Mr. Seekins from the COG to the Finance Committee.

It was noted that there are some administrative issues that need to be resolved, particularly in North Carolina. As such, there are two representatives from North Carolina on the Finance Committee. Additionally, North Carolina apparently has funds to support the cause.

Mr. Fransen asked that Steve Reed represent DENR instead of him, as Mr. Reed has some experience in this area.

A joint North Carolina/Virginia website was discussed. Mr. Fransen said DENR was working on a website that could probably support this. The Finance Committee will look into this.

Water Allocation Ad Hoc Committee

Mr. Feild gave a brief history on the need of the ad hoc committee. Mr. Fransen said that due to logistic issues, the ad hoc committee had not moved as quickly as hoped. As part of his presentation, he has some suggestions on how to proceed.

Mr. Seekins mentioned the appointment needed for the North Carolina delegation. Nate Hall is on the North Carolina Advisory Committee. The Piedmont Triad has appointed

Mr. Hall as its RRBBC representative, and has appointed Katherine Mull to the North Carolina Roanoke River Basin Advisory Committee.

Mr. Fransen gave his presentation, which is an official part of these minutes. The presentation is entitled "Kerr Lake Regional Water System Interbasin Transfer Update & Jordan Lake Water Supply Allocations."

Senator Swindell said he thought there was North Carolina legislation regarding Lake Gaston stating that if Virginia Beach had not used their allocated withdrawal amount by a certain date, the allocation would be reduced. Mr. Fransen said he was not aware of this, but would research the issue. Mr. Feild suggested that this might have to come up in the relicensing process.

Allen Piner suggests the Bi-State Commission jointly request a given percentage of water supply in Kerr. Since Kerr was built for purposes other than water supply, it would take an Act of Congress to get water supply allocation established.

Mr. Feild questioned whether the Virginia General Assembly would be willing to purchase allocation in North Carolina, Jordan Lake. Senator Ruff said if they did, control of the allocation may not be with the RRBBC or the rural areas in the watershed, depending how the politics would play out.

Mr. Piner said the Corps of Engineers would determine the cost of the Jordan or Kerr allocation. They would look at the impacts to the original purposes. Senator Reynolds asked how long it would take the Corp to determine a price for allocation, should the two states decide to pursue this. Mr. Piner said he was not sure what the pricing structure would be, but thinks it would include a percentage of operation and maintenance, storage, and costs incurred in the original construction costs.

Senator Reynolds asked staff to determine what percentage is needed with an estimated cost for Kerr, in response to Mr. Fransen's relative slide.

Senator Ruff asked if the Corps would have to go back to Congress for the remaining allocation in. Mr. Piner responded that they would not for the remaining allocation, but they would for any additional.

Delegate Wright asked Mr. Fransen if there was any other process the two states could use to get the allocation other than purchasing it. Neither Mr. Fransen nor Mr. Piner knew of another process, as federal projects were paid for with federal funds.

Mr. Fransen suggested that North Carolina and Virginia prepare a joint water supply basin plan.

Mr. Johnson asked about drought management. Mr. Fransen said there are drought management plans that North Carolina approves. Mrs. Stephenson explained the

requirement for Drought Response and Contingency Plans required in the Water Supply Plans currently being developed in Virginia.

Senator Reynolds made a motion to request the Water Allocation Committee to study and recommend a way to comply with the three bulleted items in Mr. Fransen's presentation and report back to the Bi-State Commission in four months. Representative Allen seconded the motion. Senator Ruff asked why four months. Senator Reynolds said it would be four months at most and asked Mr. Fransen if this is workable. Mr. Fransen said he needed to talk with Scott Kudlas, but thought there could be a report in this time frame. Mr. Piner said he thought he could get numbers pretty quickly.

Delegate Wright asked Richard Whisnant what other issues should be considered. Mr. Whisnant said there may be some other entity that could purchase the allocation. Senator Reynolds added that these and other things could and should be considered by the Ad Hoc Committee. His intent was to broaden their charge. All members voted to approve the motion.

Mr. Feild said that due to the lateness of the day, Jason Ericson would give a brief summary of the presentation "Interstate Commission of the Potomac River Basin" and the full presentation would be made at the next meeting. The presentation is an official part of these minutes.

Next Meeting

Mr. Feild said the advisory committees should be able to hold a meeting in the interim, and the Bi-State Commission should plan to meet in the four-month time frame, in March.

Generally, the VRRBAC meets in January in Richmond around the General Assembly session. Mrs. Stephenson will poll members on their availability.

The Bi-State Commission and VRRBAC could plan a joint meeting in Virginia in March or April, as it is Virginia's turn to host the Bi-State Commission meeting.

Mr. Feild asked that individual committees and subcommittees meet face to face or by conference call prior to the meeting.

Other Business

Mr. Adesso reported on the Lower Basin IBT Coalition, which is newly formed. The Roanoke River Basin Association has initiated and is coordinated this effort to organize a coalition of Counties, Cities, Towns and Citizens Groups, in order to address requests for the withdrawals of surface waters for use and disposal outside of the basin (IBT's). The goal is to unify the small communities and citizens in the basin to keep better informed on IBT'S. This will allow participation in the approval process as a stronger and more coordinated group providing a greater influence. There are 43 subscribers and include all but two counties so far. The by-laws are 98% complete. They are incorporating and

have all officers' positions filled except the Vice Presidency. Mr. Addesso is making presentations at various local government meetings to explain the organization. After they finish with the lower basin, they plan to move into the upper basin.

Mr. Feild mentioned the Lake Interests Committee in Clarksville. They are planning a conference to be held late summer 2010 on concerns and issues on Kerr Lake. They are working on the draft agenda and identifying speakers and presentations from state and federal government. He will keep this group advised on the conference.

Mr. Lindsey mentioned the relicensing of Smith Mountain Lake and Leesville Lake. He said the license is expected the first of March. The current concern is invasive weeds in Smith Mountain Lake. Both lakes are having trouble with debris. Leesville no has water quality assessment, which SML has had. The 216 study for Philpott Lake has been stalled.

Mr. Johnson reported in reference to the Smith Mountain Lake relicensing, they will file on Friday for reconsideration with regard to the weed treatment and debris.

Mr. Stanhope of Chatham handed out information relative to uranium mining. He mentioned concerns for adverse impact on water quality in Kerr Lake. Mr. Feild said he understands that Virginia Beach is doing its own study. He added that the Bi-State Commission will make recommendations during and after the studies.

As there was no further business to discuss, the meeting was adjourned.